

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
SPARTANBURG DIVISION**

Terria Holcomb, as Personal Representative)	Case No.: 7-25-cv-2731-JDA-KFM
of the Estate of Darius L.J. Holcomb,)	
)	
Plaintiff,)	
)	
v.)	
)	
City of Spartanburg, Dylan Davis, and)	
Sean Jacob Coats,)	
)	
Defendants.)	

Terria Holcomb, as Personal Representative)	Case No. 7:24-cv-1145-JDA-KFM
of the Estate of Darius L.J. Holcomb,)	
)	
Plaintiff,)	
)	
v.)	
)	
)	
Spartanburg County, Spartanburg)	
County Sheriff's Office, Officer Wesley)	
E. Bennett both individually and as a)	
deputy of the Spartanburg County Sheriff's)	
Office, and Chuck Wright, in his capacity)	
as the Sheriff of the Spartanburg County)	
Sheriff's Office)	
)	
Defendants.)	

JOINT MOTION TO CONSOLIDATE

The parties herein, through their undersigned counsel and in accordance with Fed. R. Civ. P. 42, hereby jointly move to consolidate, for all purposes, including discovery, pretrial and motions practice, and trial, the above-captioned related cases already before this Honorable Court and would respectfully show to this Court the following:

1. Plaintiff is currently represented by attorney Colin Ram of Colin Ram Law, LLC in the above-captioned actions, both of which arise from the shooting death of Darius Holcomb by law enforcement on February 2, 2023.

2. On February 2, 2024, the Plaintiff filed a complaint in state court with prior counsel that was subsequently removed to Federal Court on March 6, 2024, bearing Case No. 7:24-cv-00145-JDA-KFM. Attorney Colin Ram entered a Notice of Appearance therein on May 28, 2024.

3. On January 31, 2025, the Plaintiff filed a complaint in state court against additional defendants that was subsequently removed to Federal Court on April 1, 2025, bearing Case No. 7-25-cv-2731-JDA-KFM.

4. The two separate actions have been assigned to U.S. District Court Judge Jacquelyn D. Austin and Magistrate Judge Kevin F. McDonald.

5. Rule 42(a) of the Federal Rules of Civil Procedure provides that, “where actions involve a common question of law or fact, the court may (1) join for hearing or trial any and all matters at issue in the actions, (2) consolidate the actions, or (3) issue any other orders to avoid unnecessary cost or delay.”

6. District courts have broad discretion under Rule 42 to consolidate cases pending in the same district but must exercise this discretion with certain guidelines in mind. *A/S J. Ludwig Mowinckles Rederi v. Tidewater Constr. Corp.*, 559 F.2d 928, 933 (4th Cir.1977); *Trotter Site Preparation, LLC v. Local 470, Intern. Union of Operating Engineers*, Nos. 1:09–2371, 1:09–3013, 2010 WL 200788, *1 (D.S.C. 2010).

7. “[C]onsolidation is appropriate when to do so will ‘foster clarity, efficiency and the avoidance of confusion and prejudice.’” *Park v. McCabe, Trotter & Beverly, P.C.*, No. CV 2:17-

657-RMG, 2018 WL 9649500, at *1 (D.S.C. May 14, 2018) (citing *Workman v. Nationwide Mut. Ins. Co.*, No. 4:12-cv-02567-JMC, 2013 WL 2285937, at *3 (D.S.C. May 23, 2013)).

8. In considering the appropriateness of consolidation, the district court should consider: “(1) the specific risks of prejudice and possible confusion as against the risk of inconsistent adjudications of common factual and legal issues; (2) the burden on parties, witnesses and available judicial resources posed by multiple lawsuits; (3) the length of time required to conclude multiple suits as against a single one; and (4) the relative expense to all concerned of the single-trial, multiple-trial alternatives.” *Trotter Site Preparation, LLC*, 2010 WL 200788 at *1 (citing *Arnold v. Eastern Airlines, Inc.*, 681 F.2d 186, 193 (4th Cir.1982)).

9. The Fourth Circuit has held that the critical question in determining whether to consolidate is:

Whether the specific risks of prejudice and possible confusion [are] overborne by the risk of inconsistent adjudication of common factual and legal issues, the burden on the parties, witnesses and available judicial resources posed by multiple lawsuits, the length of time required to conclude multiple suits as against a single one, and the relative expense to all concerned of the single-trial, multiple-trial alternatives.

Park v. McCabe, Trotter & Beverly, P.C., No. CV 2:17-657-RMG, 2018 WL 9649500, at *1 (D.S.C. May 14, 2018) (citing *Arnold v. Eastern Air Lines, Inc.*, 681 F.2d 186, 193 (4th Cir. 1982)).

10. The above captioned cases arise from the same nucleus of operative facts, specifically the shooting death of Darius Holcomb by law enforcement on February 2, 2023.

11. All parties agree that consolidating these cases would conserve precious judicial resources, avoid duplication of discovery, prevent inconsistent pretrial rulings, and conserve resources of the parties and their counsel. The parties also agree that there is no countervailing risk of undue burden on or prejudice to the parties.

WHEREFORE, the parties jointly and respectfully request that these two cases be consolidated for all purposes, and for such further relief as this Court deems appropriate.

WE SO MOVE:

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